

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF ALABAMA, NORTHERN DIVISION

CHARLES A. PEARSON,
Plaintiff,

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2007 SEP 28 A

Civil Action No. 2:06cv 828-CSC

vs.

K. L. BIRD, Et. Al.,
Defendants,

DEBRA P. HACKE
U.S. DISTRICT C
MIDDLE DISTRICT

Plaintiff's Motion To Supplement His April 18, 2007
RESPONSE, FOR GOOD CAUSE PURSUANT TO ORDER BY
MAGISTRATE JUDGE CHARLES S. COODY SEPTEMBER 20, 2007

COMES NOW THE PLAINTIFF CHARLES A. PEARSON, AND RESPECTFULLY MOVES THIS HONORABLE COURT PURSUANT TO THIS HIS MOTION TO SUPPLEMENT HIS APRIL 18, 2007 RESPONSE, FOR GOOD CAUSE PURSUANT TO THE ORDER BY MAGISTRATE JUDGE CHARLES S. COODY, SEPTEMBER 20, 2007.

THE PLAINTIFF CHARLES A. PEARSON HAS A §1983 PETITION BEFORE THIS HONORABLE COURT NOW PENDING A JURY TRIAL... ON DECEMBER 10, 2007, WHERE THE ISSUES OF THE ILLEGAL ARREST, AND CRUEL AND UNUSUAL PUNISHMENT. THE MAGISTRATE JUDGE HAD DISMISSED THE ISSUE OF THE ILLEGAL ARREST, BUT FOR GOOD CAUSE, ALLOWED THE PLAINTIFF TO SUPPLEMENT HIS ISSUE ON THE ILLEGAL ARREST. THE OCCURRENCES AND EVENTS OF THIS CAUSE, STEMS FROM THE ILLEGAL ARREST, WHERE LAW ENFORCEMENT OFFICERS FAILED TO READ THE PLAINTIFF HIS CONSTITUTIONAL RIGHTS TO BE ARRESTED, AND NEVER WAS AT ANY TIME PLACED UNDER ARREST.

On October 3, 2005, Police Officers Don K. Corkran, Gary Reardon, and Benjamin Harrison, responded to a call about a nearly accident that didn't happen, Chief Kenneth... Bolling called and said he was almost in a wreck with the plaintiff Charles A. Pearson. When the police arrived to where Chief Bolling was, the plaintiff was standing in a parking lot next to a store. The plaintiff was not in the vehicle that almost caused the accident with Chief Bolling, but the afore-mentioned officers handcuffed, tased him four times, and beat him at the scene. These officers gave affidavits to the tased events, but not about the beating or reading him his rights to be arrested.

The plaintiff attempted to explain about his heart condition to the officers, and how much pain that he was in from the taser, but they continued abuse him at that point. The law is clear, that a person must be Miranda rized before being placed under arrest, and none of these officers ever placed the plaintiff under arrest.

(1) The plaintiff must be first read his MIRANDA-Rights... before being questioned pursuant to MIRANDA-V-ARIZONA, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d. 294 (1966), and also Escobedo-V-ILLINOIS, 378 U.S. 478, 84 S. Ct. 1758, 12 L. Ed. 2d. 977 (1964).

The plaintiff was also accused of biting the finger of officer K. L. Byrd, which there is no hospital record to substantiate this claim, nor does the record reflect that officer K. L. Byrd ever actually arrested, or read plaintiff his Miranda rights to be arrested for the assault.

Mrs. BETTY BOSWELL NEVER FILED A COMPLAINT, AFFIDAVIT, OR WARRANT FOR HER CAR BEING STOLEN, BECAUSE IT WAS BORROWED BY ONE OF HER FRIENDS FOR DRUGS. IN FACT, IT WAS OFFICER K. L. BYRD WHO SIGNED ALL THE PAPER WORK, BECAUSE I WANTED A LAWYER TO SEE HOW THEY HAD BEAT ME, AND HIT ME WITH THE TASER 4-OR-MORE TIMES. I WAS NEVER READ MY RIGHTS TO BE ARRESTED IN THAT CASE EITHER, AND THIS WAS JUST A COVER-UP FOR THESE OFFICERS.

THERE IS NO INDICATION OF ANY RECORD, LETTER, PAPER, OR EVEN TRIAL RECORD, THAT COULD SHOW THAT THE PLAINTIFF HAS EVER BEEN READ HIS MIRANDA RIGHTS TO BE ARRESTED. THIS IS A CONSTITUTIONAL RIGHT TO ALL THAT ARE TAKEN INTO THE CUSTODY OF ALL OFFICERS AND OFFICIALS. THIS MAKES OUR... CONSTITUTION LOOK LIKE A MOCKERY, VERY PREJUDICIAL, AND ADDDED TO WHITE OFFICERS WHO BEAT BLACK MEN.

PLAINTIFF ASK THIS COURT TO ORDER THAT THE DEFENDANTS SUBMIT A COPY OF THE MIRANDA WARNING THAT HE SHOULD HAVE INITIATED ON THE THEFT OF PROPERTY, RECEIVING STOLEN PROPERTY, AND THE 2-ASSAULT CHARGES AGAINST HIM. AND ALSO ORDER K. L. BYRD TO SUBMIT HIS HOSPITAL REPORT OF THE INJURY ON HIS FINGER DURING THE ALLEGED ASSAULT. THE PLAINTIFF HAD A CONSTITUTIONAL RIGHT NOT TO BE CRUEL AND UNUSUALLY BEATEN AND TREATED BY THESE LAW OFFICERS, AND HE WAS NOT EVEN UNDER ARREST FOR ANY CRIME.

DONE THIS 26th DAY OF SEPTEMBER 2007;

Respectfully Submitted,
Charles L. Pearson

Certificate Of Service

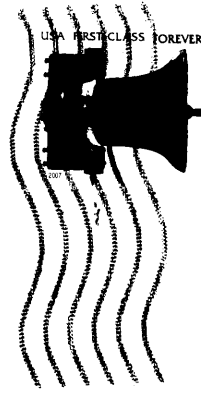
I hereby certify that a copy of the foregoing has been served on all interested parties, by placing a copy of the same in the United States Mail, postage prepaid and... addressed to the following;

Office Of The Clerk,
United States District Court
P.O. Box 711
Montgomery, Alabama 36101-0711

City Of Montgomery Legal Department
Kimberly D. Fehl
103 N. Perry St.
Montgomery, Alabama 36104

DONE this 26th day of September 2007;

Respectfully Submitted,
Charles A. Pearson



BIRMINGHAM AL 350

27 SEP 2007 PM 6 L

Charles A. Pearson #182691
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1000 St. Clair Rd.
Springville, Ala. 35146

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